

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Larry M. Davis,

Plaintiff,

v.

Civil No. 09-2563 (JNE/FLN)
ORDER

Grinnell Mutual Reinsurance Company,

Defendant.

Defendant's motion for partial summary judgment is scheduled to be heard on December 16, 2010. On November 10, 2010, Plaintiff filed an Objection to and Motion to Strike Defendant's Motion for Partial Summary Judgment, pursuant to Federal Rule of Civil Procedure Rule 12(f). Under Rule 12(f), "[t]he court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." Fed. R. Civ. P. 12(f). A motion for summary judgment is not a pleading, *see* Fed. R. Civ. P. 7(a), and a motion to strike is not an appropriate method for challenging a summary judgment motion. *Cf. Polite v. Dougherty Cnty. Sch. Sys.*, 314 F. App'x 180, 184 n.7 (11th Cir. 2008). Accordingly, the Court denies Plaintiff's motion to strike.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. Plaintiff's motion to strike Defendant's motion for partial summary judgment [Docket No. 32] is DENIED.

Dated: November 15, 2010

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge